



City of Benbrook

Zoning Board of Adjustments

DATE: 9/28/2021	REFERENCE NUMBER: ZBA-21-01	SUBJECT: A request for the expansion of a non-conforming building/use for property located at 107 Goliad Street and legally described as Lot 17-R, Block 4, Benbrook Estates Addition. The King Ranch Turfgrass business is in operation on this property. The property is generally located southwest of the intersection of Benbrook Boulevard and SW Loop 820 frontage road, zoned "F" Commercial District, and located within the Benbrook Boulevard Corridor Overlay District. [PUBLIC HEARING]	PAGE: 1 of 2
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Project Name: King Ranch Restroom Addition

Request Type: Non-Conforming Use/Building Expansion

Site Description: 0.49 acres or 21,414sqft
Lot 17R, Block 4, Benbrook Estates Addition

Location: 107 Goliad

Zoning District: "F" Commercial District and Benbrook Blvd Corridor Overlay District

Property Owner: King Ranch Turfgrass, LP
Houston, TX

Applicant Larry Bishop – Manager
King Ranch Turfgrass
Benbrook, TX

Summary

King Ranch Turfgrass, an existing legal non-conforming use and long-operating Benbrook business, proposes to construct a new bathroom addition to their existing sales office building. City regulations generally do not permit the expansion of non-conforming uses or buildings; however, Section 17.16.060.D.1 of the zoning ordinance grants the Zoning Board of Adjustment (ZBA) authority to permit an expansion of a non-conforming building and/or use provided the approval does not prevent the return of such property to a conforming use.

Background

- King Ranch Turfgrass purchased the subject property from Turfgrass America in October 2007 and has continually operated the sod sales business since its purchase. Turfgrass America purchased the site in March 2004 from Thomas Bros Grass Company. The city does not have any records of either business, but based on aerial photography it appears some type of sod-sales-business was in existence as early as January 1995. Staff can only assume that the above noted business operations were legally permitted and in compliance with city regulations at the time.

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- In April 2018, the Benbrook City Council adopted Ordinance 1426 establishing the Benbrook Boulevard Corridor Overlay zoning district, which codified supplemental development and land use regulations for non-residential properties within the overlay district. Among other regulations, Ordinance 1426 requires a conditional use permit for outside storage and display beyond maximum standards established by the ordinance and additionally prohibits all contractor shops from operating within the district. The ordinance further provides that all legally permitted business operations and uses in place prior to the adoption of the ordinance are deemed legal non-conforming (grandfathered).
- On July 19, 2018, city staff notified King Ranch Turfgrass operators the city had: 1) granted the business operators a conditional use permit (CUP-18-13) for the existing outside storage and display; and 2) deemed their use (a contractor shop) a legal non-conforming use.

Staff Analysis

- Only the ZBA may authorize the reconstruction, extension or enlargement of a building occupied by a pre-existing non-conforming use, provided the construction does not prevent the return of such property to a confirming use (17.16.060.D.1, Benbrook Zoning Ordinance).
 - Staff finds the proposed bathroom addition does not prevent the building or property from returning to a conforming status as any future conforming land use could readily occupy the property and building without reversion of the bathroom addition.
- The ZBA may authorize an extension of 25% or less of a building containing a non-conforming use as long as the new construction complies with building setback requirements of the zoning district (17.100.020, Benbrook Zoning Ordinance).
 - The 240sqft addition is less than 25% of the existing 1,274sqft building.
 - The addition will not encroach into any required building setback.

Staff Recommendation

Move to approve the expansion at 107 Goliad St as presented.

Attachments

1. Applicant Letter
2. Applicant Plans
3. Location Map